

REMARKS

The Office Action of September 25, 2008 and the references cited therein have now been carefully studied. Reconsideration and allowance of this application are earnestly solicited.

Initially, the undersigned wishes to thank the Examiner for indicating that the Declaration filed on March 24, 2008, is sufficient to overcome the Kim reference.

The Examiner has rejected claim 7 under 35 USC §112 as being indefinite. This rejection is respectfully traversed.

Claim 7 has been amended to specifically indicate that the credit card server would deny a transaction based upon data provided in the database. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

The Examiner has rejected claims 1-6, 8 and 9 under 35 USC §102(b) as being anticipated by the references cited in paragraph 7 of the rejection.

This rejection is respectfully traversed. Claim 1 is directed to a system for controlling the processing of credit card and debit card transactions between various types of point-of-sale terminal devices through a plurality of gateway networks. As specifically indicated in claim 1, a transaction manager would be employed allowing a merchant associated with each of the point-of-sale terminal devices to avoid any one of the transactions. All of the references cited in paragraph 7 of the Office Action indicates that Atomic's ecomPort wireless payment gateway was used to provide connectivity to ETA's merchant processor. There is no specific indication that a plurality of gateways were utilized. It is respectfully submitted that the use of a single gateway would not imply the utilization of a plurality of gateways as specifically recited in claim 1 of the present invention. The use of a plurality of gateways would necessitate the ability to transmit information securely over all of the gateways included in FIG. 1. This is certainly not an easy task and the data over all these gateways must be compatible with the credit card server. It is certainly not obvious to send the use of a single gateway with a plurality of gateways as described and recited in claim 1. Consequently, it is believed that claim 1 is certainly not anticipated nor rendered obvious from the references cited by the Examiner. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

Similarly, since claims 2-5, 8 and 9 depend directly or indirectly upon claim 1, it is believed that these claims also recite the invention in a patentable manner.

The Examiner has rejected claims 7 and 10 under 35 USC §103(a) as being unpatentable above the references cited in paragraph 9 in that it would be obvious to modify Atomic Software Inc.'s ecomPort payment gateway such that the credit card server denies a transaction as well as the use of a decision table as recited in claim 10. These rejections are respectfully traversed.

Since claims 7 and 10 depend upon claim 1, it is believed that these claims do recite the invention in a patentable manner. Consequently, reconsideration and withdrawal of this rejection as well as the allowance of this application are earnestly solicited.

Respectfully submitted,

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Date



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